

IN RE:  
**Elizabeth Freeman** :  
Debtors : BK. No. 18-13303-jkf  
DITECH FINANCIAL LLC : Chapter No. 13  
v.  
**Elizabeth Freeman** :  
**MARION INGRAM (NON-FILING CO-DEBTOR)** : 11 U.S.C. §362 AND §1301  
Respondents :  
:

**MOTION OF DITECH FINANCIAL LLC FOR RELIEF FROM AUTOMATIC STAY  
UNDER §362 AND CO-DEBTOR STAY UNDER §1301**

Movant, by its attorneys, PHELAN HALLINAN DIAMOND & JONES, LLP, hereby requests a termination of Automatic Stay and Co-Debtor Stay and leave to foreclose on its mortgage on real property owned by Debtor Elizabeth A Freeman and NON-FILING CO-DEBTOR MARION INGRAM.

1. Movant is **DITECH FINANCIAL LLC**.
2. Debtor Elizabeth A Freeman and NON-FILING CO-DEBTOR MARION INGRAM are the owners of the premises located at **23 MISTLETOE LANE, LEVITTOWN, PA 19054**, hereinafter known as the mortgaged premises.
3. Movant is the holder of a mortgage on the mortgaged premises.
4. Debtor's failure to tender monthly payments in a manner consistent with the terms of the Mortgage and Note result in a lack of adequate protection.
5. Movant wishes to institute foreclosure proceedings on the mortgage because of Debtor's failure to make the monthly payment required hereunder.
6. The foreclosure proceedings to be instituted were stayed by the filing of the instant Chapter 13 Petition.
7. As of December 19, 2018, Debtor has failed to tender post-petition mortgage payments for the months of September 2018 through December 2018. The monthly payment amount for the months of September 2018 through December 2018 are \$1,467.46 for a total amount of

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outstanding payments of \$4,762.22 (\$~~869.84~~ \$1,104.26 in suspense). The next payment is due on or  
before January 1, 2019 in the amount of \$1,467.46. Under the terms of the Note and Mortgage,  
Debtor has a continuing obligation to remain current post-petition and failure to do so results in a lack  
of adequate protection to Movant.

8. Movant additionally seeks relief from the Co-Debtor Stay Under §1301(c) (if applicable) in the instant case, as the continuation of the co-debtor stay causes irreparable harm to the movant. Movant may be barred from moving forward with its stats court rights under the terms of the mortgage without relief from the Co-Debtor Stay.

9. Movant, **DITECH FINANCIAL LLC**, requests the Court award reimbursement in the amount of \$1,031.00 for the legal fees and costs associated with this Motion.

10. Movant has cause to have the Automatic Stay terminated as to permit Movant to complete foreclosure on its mortgage.

11. Movant specifically requests permission from the Honorable Court to communicate with Debtor and Debtor's counsel to the extent necessary to comply with applicable nonbankruptcy law.

12. Movant requests that Federal Rule of Bankruptcy Procedure 3002.1 be waived.

**WHEREFORE**, Movant respectfully requests that this Court enter an Order;

a. modifying the Automatic Stay under Section 362 and Co-Debtor Stay under Section 1301 with respect to **23 MISTLETOE LANE, LEVITTOWN, PA 19054** (as more fully set forth in the legal description attached to the Mortgage of record granted against the Premises), as to allow Movant, its successors and assignees, to proceed with its rights under the terms of said Mortgage; and

b. That relief from any Co-Debtor Stay (if applicable) is hereby granted; and  
c. Movant specifically requests permission from this Honorable Court to communicate with Debtor and Debtor's counsel to the extent necessary to comply with applicable nonbankruptcy law; and

d. waiving Federal Rule of Bankruptcy Procedure 3002.1; and

e. Granting any Document that the Court deems equitable and just.

/s/ Thomas Song, Esquire

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